

Remarks

Claims 25 - 38 are pending. Withdrawal of the rejections over the prior art is noted. The claims have been rejected under 35 U.S.C. § 112 ¶1 for failure to comply with the written description requirement. This is a “new matter” rejection. Applicants believe that the claims are fully supported by the specification as filed, and respectfully request the Examiner to consider the following comments with respect to limitations for which the Office has cited a lack of support.

The Office states that:

[s]upport is not found in the specification for the invention being a method for the generation of cracks on a coated polymer substrate as now required by the preamble of claim 25. The specification describes the invention being a method for nanopatterning of a substrate as required by the preamble of original claim 1. There is no description of generating cracks without nanopatterning of a substrate.

Nanopatterning as that term is used by the inventors is the generation of cracks in a surface. Support for use of the term “cracks” in lieu of “nanopatterning” may be found on page 3, lines 6 - 9 (“cracks”), page 3, lines 11 - 22 (nanocracks and trenches); page 4, lines 8 - 9 (“cracks”); page 4 (lines 13 - 18 (“cracks”); page 5, line 28 to page 6, line 9 (“cracks”), the drawing figures, and many other portions of the specification as well.

The Office further states:

Support is not found in the specification for the polymer substrate not being deformable when using a brittle layer as now claimed.

Applicants do not understand this rejection, since the claim does not state that the polymer is not deformable. The claim requires a multilayer article comprising a polymer substrate, a

brittle layer adjacent the polymer substrate, and a coating layer on the brittle layer. The claim does not recite that the polymer substrate is not deformable, and the claim requirement that a strain be exerted requires deformability. Applicants have examined the dependent claims and have not found any such language in these claims either. Applicants are not aware of any polymer which is not deformable.

Applicants therefore believe that the basis for rejection may be the absence of the word “deformable”, modifying “polymer”, and Applicants have amended the claim to insert this language. A discussion of substrate requirements may be found on page 6 of the specification.


With respect to claims 32, 33 and 36, the Office states that there is no support in the specification for a “crack coating” applied to cracks. The Examiner agrees that the specification discloses coating cracks, but believes that “crack coating” can mean “applying a coating specifically for cracks.” There appears to be a disagreement based on semantics here. Applicants believe that a coating applied to cracks is a crack coating, just like a paint used to paint a house is a house paint. The coating used to generate cracks by stretching is not a crack coating, but the brittle layer of claim 25. The claims are addressed to one skilled in the art, and are believed to be clear. Applicants also believe the claim language to be supported by the specification, and note in this regard that the specification and claims are not required to have identical language (*in ipsius verbis*). However, to expedite prosecution, claim 32, 33 and 36 have been amended to recite “crack surface coating”, i.e. a coating which coats the surfaces of the cracks. Claim 36 has also been amended to be consistent with claims 32 and 33 by specifying that the crack surface coating coats exposed surfaces of the cracks as identified in claim 25.

In view of the claim amendments and the remarks presented above, Applicants submit that the claims are allowable, and respectfully request a Notice to that effect. Entry of the amendment is solicited, since Applicants have not had the opportunity to address the rejections before, and since the amendments and remarks herein are believed sufficient to place

the claims in condition for allowance or the eliminate issues on appeal should be necessary. If the Examiner believes that further discussion or amendment would facilitate an allowance, he is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

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Date: January 23, 2006

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